

Membership Balance Plan for the Federal Prevailing Rate Advisory Committee

- (1) **Name.** Federal Prevailing Rate Advisory Committee.
- (2) **Authority.** The Federal Prevailing Rate Advisory Committee is established under section 5347 of title 5, United States Code, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App 2.
- (3) **Mission/Function.** To comply with section 5347 of title 5, United States Code, the Federal Prevailing Rate Advisory Committee studies the prevailing rate system and other matters pertinent to the establishment of prevailing rates. The balance of the Committee is largely determined by statute since 5 U.S.C. 5347 requires that:
- The Chairman must be appointed by the Director of the Office of Personnel Management (OPM) for a 4-year term;
 - One member is designated by the Secretary of Defense from the Office of the Secretary of Defense;
 - Two members are designated by the OPM Director from the military departments;
 - One member is designated by the OPM Director from an agency other than the Department of Defense (DOD), a military department, and OPM;
 - An OPM employee is designated by the OPM Director; and
 - Five members are designated by the OPM Director from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees.
- (4) **Points of View.** The statute provides for 11 members and specifies that one will be the Chairman, five will be management members and five will be representatives of Federal employee organizations. The balance of the Committee is largely set by statute. However, in designating members from among employee organizations, the OPM Director must designate, as nearly as practicable, a number of members from a particular employee organization in the same proportion to the total number of employee representatives appointed to the Committee as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees. There cannot be more than two members from any one employee organization nor more than four members from a single council, federation, alliance, association, or affiliation of employee organizations.
- (5) **Other Balance Factors.** The balance of the Committee is largely set by statute. No other balance factors are used.

- (6) **Candidate Identification Process.** The Chairman is appointed by the OPM Director for a 4-year term. Individuals apply for the position of Chairman, and the OPM Director selects the candidate that best meets the qualifications needed to lead an advisory committee.

The management members and the representatives of Federal employee organizations are designated by the OPM Director, with the exception of the member designated by the Secretary of Defense. The members have no term limit. Individuals are identified by their agencies, military departments, or Federal employee organizations and recommended to the OPM Director for his consideration. The OPM Director reviews the recommendations and provides final approval.

- (7) **Subcommittee Balance.** The Federal Prevailing Rate Advisory Committee does not have Subcommittees subject to FACA.

- (8) **Other.** Membership adheres to the Administration's prohibition against registered lobbyists.

- (9) **Date Prepared/Updated.** January 11, 2012.